

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 16, 2005
Bulk Item: Yes X No

Division: Growth Management
Department: Planning
Staff Contact Person: K. Marlene Conaway

AGENDA ITEM WORDING: Approval for one Affordable/Employee Housing Deed Restriction for two dwelling units from J. Murray & Mary H. Shatt.

ITEM BACKGROUND: On February 9, 2005 the Planning Commission approved two allocation awards for the applicants listed below provided the applicants' Affordable/Employee Housing Deed Restriction is approved by the BOCC. J. Murray & Mary H. Shatt submitted the Restrictive Covenant to Monroe County. The applicants are receiving two dwelling unit allocation awards for the year ending July 13, 2005, have filed the document in accordance with Ordinance No. 47-1999.

PREVIOUS RELEVANT BOARD ACTION: None

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

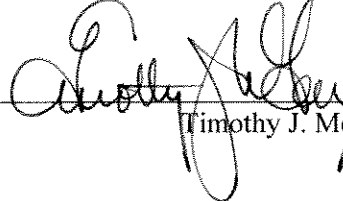
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP


DOCUMENTATION: Included X

Not Required

DISPOSITION:

AGENDA ITEM #

M E M O R A N D U M

TO:: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director 
DATE: March 16, 2005
RE: Clarification of Agenda Item

Affordable/Employee Housing

Permit Number	Name on Agenda Item	Name on Restrictive Covenant	Legal Description
04-1-2781 and 04-1-2783	J. Murray & Mary H. Shatt	J. Murray & Mary H. Shatt	Lots 29 & 30, Block 1, Summerland Key Cove Amended, Summerland Key

Prepared by:
J. Murray Shatt
P.O. Box 420488
Summerland Key, FL 33042

MONROE COUNTY PLANNING DEPARTMENT AFFORDABLE/EMPLOYEE HOUSING DEED RESTRICTION

STATE OF FLORIDA
COUNTY OF MONROE

Notice is hereby given that:

- I. I/We, J. Murray & Mary H. Shatt, a married couple, the undersigned is/are the sole owner(s) of certain real property, situated, lying and being in Monroe County, State of Florida, described as follows:

Lot(s): 29 & 30 Block: 1

Subdivision: Summerland Key Cove Amended

Key: Summerland PB: 4-35

(If legal description is metes and bounds, attach a separate sheet)

**Real Estate Number: 00189160.000000 and
00189170.000000**

- II. The employee housing units Building Permit Numbers are 04-1-2781 and 04-1-2783.
- III. Under the applicant(s) or owner-occupied moderate income affordable housing provisions set for in Chapter 9.5 of Monroe County Land Development Regulations, the owner or owners of the above-described real property have been exempted from payment of "Fair Share Impact Fees" for a (check one): a single-family __, a multi-family unit, __, a mobile home __, **employee housing 2 units** to be constructed on said real property.





- IV. The annual adjusted gross income for the owner-occupied household does not exceed one hundred-twenty (120) percent of the median adjusted gross annual income within Monroe County.
- V. Under Monroe County Code Section 9.5-266, the affordable housing dwelling unit is restricted to a maximum of one thousand three hundred (1,300) square of feet habitable space for a period of at least thirty (30) years.
- VI. Under Monroe County Code Section 9.5-4(E-1) Employee housing is restricted to households, which derive at least seventy (70) percent of their household income from gainful employment in Monroe County and meet the requirements for affordable housing per sections 9.5-4(A-5) and 9.5-266.
- VII. The Maximum sales price, the affordable housing unit shall mean a price not exceeding four and one-quarter (4.25) times the annual median household income for Monroe County.
- VIII. The applicant(s) have used the affordable housing program to gain additional points in the permit allocation system pursuant to Monroe County Section 9.5-122.3(6).
- IX. The covenants shall be effective for thirty (30) years, but shall not commence running until a certificate of occupancy has been issued by the building official for the dwelling unit(s) to which the covenant or covenants apply. This deed restriction shall remain in effect for thirty (30) years regardless of the owner(s) or occupant(s) ability to comply or re-qualify on an annual basis or as otherwise may be required.
- X. At the time of sale the affordable housing unit may only be sold to a household within the same income class , i.e., a median income household which purchased a home within this category must sell the home to a qualifying household within the median income category.
- XI. All of the restrictions herein shall be binding upon any transferees, lessees, heirs, assigns or successors in the chain of title.
- XII. Monroe County may enforce this affordable housing deed restriction through any legal procedure available, whether at law or equity.

I/we certify that I/we am/are familiar with the information herein contained and that it is true and correct to the best of my knowledge and belief; and I/we will abide by the above stated restrictions pursuant to Monroe County Code Chapter 9.5 as may be amended from time to time.

WITNESSES:

John Jeffrey Lunsford
(Signature)

John Jeffrey Lunsford
(Print/Type Name)

Candace A. Hogan
(Signature)

Candace A. Hogan
(Print/Type Name)

OWNER(S) or APPLICANT(S)

J. Murray Shatt
(Signature) J. Murray Shatt

Address: P.O. Box 420488
Summerland Key, FL 33042

John Jeffrey Lunsford
(Signature)

John Jeffrey Lunsford
(Print/Type Name)

Candace A. Hogan
(Signature)

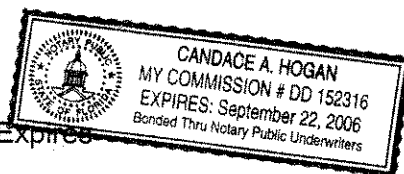
Candace A. Hogan
(Print/Type Name)

Mary H. Shatt
(Signature) Mary Shatt

Address: P.O. Box 420488
Summerland Key, FL 33042

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 7th day of July, 2004, by J. MURRAY AND MARY H. SHATT, who is/are personally known to me or produced _____ as proof of identification and did take an oath.



My Commission Expires _____

Candace A. Hogan
(Notary Public Print Name)
Candace A. Hogan
(Notary Public Signature)